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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,153	11/28/2001	Kouichi Kamiji	NGB-105-A	2118

7590 03/29/2004  
Carrier, Blackman & Associates, P.C.  
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Novi, MI 48375

EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/996,153

Applicant(s)

KAMAIJI ET AL.

Examiner

Deanna L. Draper

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other. \_\_\_\_\_

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### *Acknowledgements*

The Amendment filed by the Applicant on December 9, 2003 is acknowledged. Claims 11 – 13 have been cancelled, and Claims 21 – 23 have been added.

### *Claim Objections*

Claim 9 is objected to because of the following informalities: in line 3 of Claim 9, “at other end thereof” should be --at the other end thereof--, or “other” should be changed to --another-- . Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 5, <sup>6,9,</sup> 10, 18 and 20 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mihm et al. (US 5,584,508). Mihm discloses an air bag (12 in Fig. 2) for placement in a folded state under an upper surface of an instrument panel of a vehicle and for being inflated when the vehicle is crashed (see Fig. 2), wherein the air bag has a pocket extending inwardly at a lower surface of the air bag when the air bag is inflated (48 in Fig. 2). The pocket is formed in an oval shape, and there is a strap sewn to the bottom of the pocket and to the inside of the upper surface of the airbag at another end (94 in Fig. 2).

With respect to claims 2 and 3, the pocket is located in a position corresponding to a top portion of a child safety seat as claimed.

Mihm also discloses an airbag (12 in Fig. 2) including a strap sewn into and connecting two inside surfaces of the airbag (94 in Fig. 2; Col. 8, line 23)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 8 and 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mihm. Mihm discloses the invention as claimed above, however doesn't disclose specific pocket depths, shapes, and opening areas. Regarding Claims 7 and 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the specific pocket depths and opening areas as claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding Claims 14 – 17, it would have been an obvious matter of design choice to vary the shape of the pocket, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237.

Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mihm as applied to claims 1 and 18 above, and further in view of Maruyama et al. (US 5,584,508). Mihm discloses the invention as claimed above, however does not disclose an exhaust hole located in the vicinity of a pocket for exhausting a gas. Maruyama discloses an air bag including an exhaust hole (40 in fig. 2) in order to vent the airbag, making for a softer impact. Therefore it would have been obvious to modify Mihm by adding an exhaust hole near the pocket in order to vent the airbag at a certain inflation point, as taught by Maruyama.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 10 and 14 – 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haland et al. (GB 2,270,834) discloses a child safety seat for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

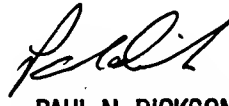
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~~DEAN D. PAPER~~  
PATENT EXAMINER

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